

EXHIBIT 6

From: [Chris Kachouroff](#)
To: [Frey, Timothy](#)
Cc: [Levine-Patton, Maura](#); [Loftus, Julie](#); [Bedell, James](#); [Robert Cynkar](#)
Subject: Re: Smartmatic v. Lindell - Peter Kent Supporting Documents
Date: Friday, August 16, 2024 5:26:45 PM
Attachments: [image002.png](#)
[image.png](#)

Tim,

I am traveling to MN and will be getting off the plane at that time! Can we do 3 pm CT?

Also, just spoke to Cotton. He wants a subpoena because these items were used in other cases. I also have concerns about Dominion needing notice of this since the data might be proprietary. I doubt they will want it turned over without some protection.


No. 4 - Agreed. Thank you.

And yes to 5!

Chris

On Fri, Aug 16, 2024 at 6:11 PM Frey, Timothy <TFrey@beneschlaw.com> wrote:

Thanks, Chris. Please see below in red.


vCard Bio

Timothy M. Frey
Partner | Litigation
Benesch Friedlander Coplan & Aronoff LLP
t: 312.624.6365 | TFrey@beneschlaw.com
www.beneschlaw.com
71 South Wacker Drive, Suite 1600, Chicago, IL 60606-4637
Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice

From: Chris Kachouroff <chris@mck-lawyers.com>
Sent: Friday, August 16, 2024 4:36 PM
To: Frey, Timothy <TFrey@beneschlaw.com>
Cc: Levine-Patton, Maura <MLevine-Patton@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Bedell, James <JBedell@beneschlaw.com>; Robert Cynkar <rcynkar@mck-lawyers.com>
Subject: Re: Smartmatic v. Lindell - Peter Kent Supporting Documents

Tim,

I will get back with you on items 1 and 2. **Thank you. Please let us know your position by end of day Monday, 8/19.**

3, Mr. Lindell has open the 27-30th. **Will Mr. Lindell be the corporate representative for both MyPillow and Lindell Management? If so, let's please set August 27 for MyPillow and August 28 or**

August 30 for Lindell Management (subject to below).

4. We will be appealing Judge Dougherty's order on the show cause motion. Let's schedule that hearing on Monday afternoon. **Can I call you at 2 CT on Monday at which time we can jointly call chambers to schedule the hearing? My understanding is that you will have the opportunity to object to the order as part of a response to our motion, but if you are envisioning parallel briefing, we can set the hearings for the same date.**

5. Depending on what days Lindell is available, I can make those work. **To the extent you mean that whichever date there is not a 30(b)(6) will work for you to depose Patrick, we will confirm the date.**

Chris

On Thu, Aug 15, 2024 at 7:15 PM Frey, Timothy <TFrey@beneschlaw.com> wrote:

Chris,

I am writing to follow up with respect to several outstanding items listed below.

1. Please advise as to the status of producing the non-public materials Kent recently indicated that he relied upon, which are identified below. The motion deadline for non-dispositive issues related to expert discovery is next Tuesday, August 20. Accordingly, if we cannot resolve this issue by then, we will need to file a motion with the Court.
2. In addition, we need your position with respect to the "Analyzed Election Systems" Cotton referred to in his Report and indicated in his deposition that he relied upon to form his opinions. We sought these materials last October from prior counsel but have never received them. Please see attached for our correspondence. If we cannot resolve this issue, we will also need to file for formal relief with the Court.
3. Please advise as to the availability of a corporate representative for MyPillow and Lindell Management. We previously discussed August 21 and/or August 22 as possibilities.
4. Judge Bryan's chambers returned our message regarding next steps after Judge Docherty granted the motion to show cause. The court will not hear the existing, on-file motion to show cause, as it has already been granted. Thus, Smartmatic will be filing a motion for contempt for Judge Bryan to adjudicate. Let us know when you would like to call the court to schedule a hearing.
5. On our end, we have potential availability for Ms. Patrick on August 28 or August 30. Please advise if either date would work for you, and, if so, we will try to get her to hold it.

Thanks,

Tim



[vCard Bio](#)

Timothy M. Frey
Partner | Litigation
Benesch Friedlander Coplan & Aronoff LLP

t: [312.624.6365](tel:312.624.6365) | TFrey@beneschlaw.com
www.beneschlaw.com

71 South Wacker Drive, Suite 1600, Chicago, IL 60606-4637

[Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice](http://www.beneschlaw.com/confidentialitynotice)

From: Chris Kachouroff <chris@mck-lawyers.com>

Sent: Friday, August 9, 2024 6:06 AM

To: Levine-Patton, Maura <MLevine-Patton@beneschlaw.com>

Cc: Frey, Timothy <TFrey@beneschlaw.com>; Loftus, Julie <JLoftus@beneschlaw.com>; Bedell, James <JBedell@beneschlaw.com>

Subject: Re: Smartmatic v. Lindell - Peter Kent Supporting Documents

Let me check with prior counsel.

On Thu, Aug 8, 2024 at 8:33 PM Levine-Patton, Maura <MLevine-Patton@beneschlaw.com> wrote:

Hi Chris,

Yesterday during Mr. Kent's deposition, he testified that the excel documents listed on Page 46 of his report (under Exhibit B: Materials Considered) are non-public materials he relied on in drafting his report. He testified that these were created by the Infegy and BuzzSumo tools relating to this case, specifically, when drafting his report. These documents are also cited as support in several footnotes of his report. *See e.g.*, fns. 85, 88, 89, 90, 92.

We did not receive these documents or any other non-public reliance materials in conjunction with the Kent Report. Pursuant to Fed. R. Civ. P. 26(a)(2)(B)(ii) and (iii), all facts and data considered by Mr. Kent in forming his opinions, and any exhibits that will be used to support them, were due on September 22, 2023 when the Kent Report was served on Smartmatic.

We kindly request that you send us these documents immediately. We reserve the right to re-open Mr. Kent's deposition with our remaining time for the sole purpose of asking him about these documents once

they are received.

Thank you,

Maura



Maura Levine-Patton
(she/her/hers)

Managing Associate | Litigation
Benesch Friedlander Coplan & Aronoff LLP

t: [312.624.6368](tel:312.624.6368) | MLevine-Patton@beneschlaw.com
www.beneschlaw.com

71 South Wacker Drive, Suite 1600, Chicago, IL 60606-4637

[Confidentiality Notice to Incorrect Addressee: www.beneschlaw.com/confidentialitynotice](http://www.beneschlaw.com/confidentialitynotice)

--

--

CHRISTOPHER I. KACHOUROFF, ESQ.

Tel: 703.621.3300

Cell: 703.853.0160

Web: www.mck-lawyers.com

--

--

CHRISTOPHER I. KACHOUROFF, ESQ.

Tel: 703.621.3300

Cell: 703.853.0160

Web: www.mck-lawyers.com

Inline image 1



--

CHRISTOPHER I. KACHOUROFF, ESQ.

Tel: 703.621.3300

Cell: 703.853.0160

Web: www.mck-lawyers.com

Inline image 1

